

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA **FILED**

UNITED STATES OF AMERICA,
Plaintiff,

MAR 30 2005

v.

U.S. DISTRICT COURT
CLARKSBURG, WV 26301
Criminal No. 1:05CR4

DANIEL WILSON TESTERMAN
Defendant.

GOVERNMENT'S MOTION TO CONTINUE

Now comes the United States of America, and Thomas E. Johnston, United States Attorney for the Northern District of West Virginia, by Sherry L. Muncy, Assistant United States Attorney, and moves the Court to continue the motions hearing. In support of these requests, the governments states the following;

- 1.) A motions hearing has been scheduled in this case for April 1, 2005, before Magistrate Judge James E. Seibert.
- 2.) The defense attorney in the case, George Cosenza, is currently involved in a murder trial being held in Ritchie County which began on March 29, 2005 and may continue through April 1.
- 3.) The pending motion will require an evidentiary hearing.
- 4.) The government has been in contact with the defense attorney who has no objection to a rescheduling of the hearing date, and indeed may require a rescheduling due to the current trial.
- 5.) The trial in this matter is currently scheduled on June 20, 2005. On February 3, 2005 the defendant waived his right to speedy trial and the trial was rescheduled from March 28 to the current trial date, so there are no speedy trial issues.

6.) After consultation with the defense attorney's office and considering the schedule of the Magistrate, the date of April 13 appears to be available to reschedule this hearing.

WHEREFORE, the government requests the Court continue the motion hearing currently scheduled for April 1 and reschedule the hearing on April 13, 2005, at 2:00 p.m. in Clarksburg, West Virginia

Respectfully submitted,

UNITED STATES ATTORNEY
Thomas E. Johnston

By:

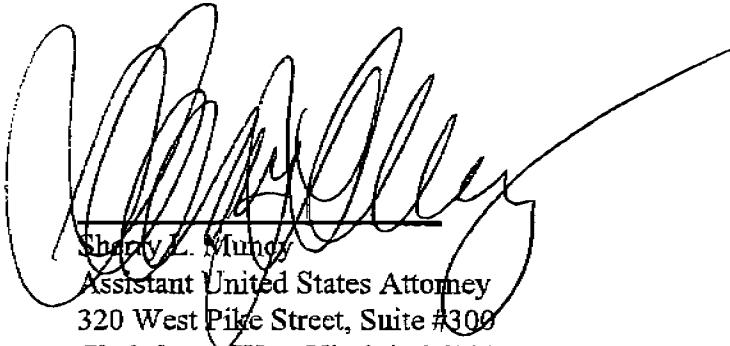

Sherry L. Muncy, AUSA

CERTIFICATE OF SERVICE

I, Sherry L. Muncy, Assistant United States Attorney for the Northern District of West Virginia, do hereby certify that a copy of the foregoing GOVERNMENT'S MOTION TO CONTINUE was served upon counsel for the defendant, Daniel Wilson Testerman, by first class mail addressed and faxed to :

George J. Cosenza
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Dated: March 30, 2005



Sherry L. Muncy
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